

ELEMENT OF COMMON-LAW RAPE RETAINS ITS JUDICIALLY DETERMINED MEANING, EXCEPT TO THE EXTENT IT IS EXPRESSLY OR IMPLIEDLY CHANGED IN THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 464E.

The reference to an undefined "word or phrase" is substituted for the former reference to undefined "words or phrases" in light of Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, the reference to an "element" is substituted for the former reference to "elements".

The reference to this "subtitle" is substituted for the former reference to this "subheading", although this subtitle is derived, in part, from material outside of that contained in the former "Sexual Offenses" subheading in Article 27. Because the material revised in this subtitle that was not contained in the former "Sexual Offenses" subheading does not deal with the elements of rape at common law or otherwise, no substantive change results.

The former redundant reference to the "crime of" rape is deleted as surplusage.

3-303. RAPE IN THE FIRST DEGREE.

(A) PROHIBITED.

A PERSON MAY NOT:

(1) ENGAGE IN VAGINAL INTERCOURSE WITH ANOTHER BY FORCE, OR THE THREAT OF FORCE, WITHOUT THE CONSENT OF THE OTHER; AND

(2) (I) EMPLOY OR DISPLAY A DANGEROUS WEAPON, OR A PHYSICAL OBJECT THAT THE VICTIM REASONABLY BELIEVES IS A DANGEROUS WEAPON;

(II) SUFFOCATE, STRANGLE, DISFIGURE, OR INFLICT SERIOUS PHYSICAL INJURY ON THE VICTIM OR ANOTHER IN THE COURSE OF COMMITTING THE CRIME;

(III) THREATEN, OR PLACE THE VICTIM IN FEAR, THAT THE VICTIM, OR AN INDIVIDUAL KNOWN TO THE VICTIM, IMMINENTLY WILL BE SUBJECT TO DEATH, SUFFOCATION, STRANGULATION, DISFIGUREMENT, SERIOUS PHYSICAL INJURY, OR KIDNAPPING;

(IV) COMMIT THE CRIME WHILE AIDED AND ABETTED BY ANOTHER;
OR

(V) COMMIT THE CRIME IN CONNECTION WITH A BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE.

(B) PENALTY.